

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
Northern Division

UNITED STATES OF AMERICA,

Plaintiff,

- against -

Civil No.

One 2007 Jeep Grand Cherokee
VIN # 1J8GR48KX7C660016

Defendant.

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VERIFIED COMPLAINT FOR FORFEITURE

Plaintiff, United States of America, by its attorneys, Rod Rosenstein, United States Attorney for the District of Maryland, and Richard C. Kay, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil forfeiture action against a vehicle involved in violations of the Controlled Substances Act that is subject to forfeiture pursuant to 21 U.S.C. §§ 881(a)(4) and (6).

THE DEFENDANTS IN REM

2. The defendant is One 2007 Jeep Grand Cherokee VIN # 1J8GR48KX7C660016 ("the Defendant Vehicle") which was seized on January 12, 2012, pursuant to a state search and seizure warrant.

JURISDICTION AND VENUE

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Vehicle. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C. § 1355(a), and over this particular action under 21 U.S.C. §§ 881(a)(4) and (6).

4. This Court has *in rem* jurisdiction over the Defendant Vehicle under 28 U.S.C. § 1355(b).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 28 U.S.C. § 1395 because the property is located in this district.

BASIS FOR FORFEITURE

6. The Defendant Vehicle is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) as a vehicle used, or intended to be used, to transport or facilitate the transportation, sale, receipt, possession or concealment of Controlled Substances.

7. The Defendant Vehicle is further subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes (1) money, negotiable instruments, securities and other things of value furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; (2) proceeds traceable to such an exchange; and (3) money, negotiable instruments, and securities used and intended to be used to facilitate a violation of the Controlled Substances Act.

FACTS

8. The forfeiture is based upon, but not limited to, the evidence outlined in the attached Declaration of Maria E. Pena, Task Force Officer, Drug Enforcement Administration, which is incorporated herein by reference.

WHEREFORE, plaintiff, the United States of America, prays that all persons who reasonably appear to be potential claimants with interests in the Defendant Vehicle be cited to appear herein and answer the Complaint; that the Defendant Vehicle be forfeited and condemned to the United States of America; that upon Final Decree of Forfeiture, the United States Marshal dispose of the Defendant Vehicle according to law; and that the plaintiff have such other and further relief as this Court deems proper and just.

Dated: July 18, 2012.

Respectfully submitted,

Rod J. Rosenstein
UNITED STATES ATTORNEY
District of Maryland

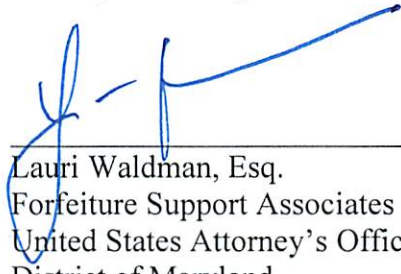
By:



Richard C. Kay
Assistant U.S. Attorney
Lauri Waldman, Esq.
Law Clerk
36 South Charles Street
Fourth Floor
Baltimore, MD 21201
410 209-4986

VERIFICATION

I, Lauri Waldman, declare under penalty of perjury as provided by 28 U.S.C. § 1746, that the foregoing Complaint for Forfeiture *in rem* is based on reports and information furnished to me by Maria E. Pena, Task Force Officer, Drug Enforcement Administration, and that everything contained therein is true and correct to the best of my knowledge and belief.



Lauri Waldman, Esq.
Forfeiture Support Associates
United States Attorney's Office
District of Maryland

DECLARATION

This declaration is submitted in support of a complaint for forfeiture of one 2007 Jeep Grand Cherokee, VIN # 1J8GR48KX7C660016.

I, Maria E. Pena, task force officer of the Drug Enforcement Administration, submit that there are sufficient facts to support a reasonable belief that the 2007 Jeep Grand Cherokee , was purchased with proceeds from the cultivation, possession and distribution of controlled substances in violation of 21 U.S.C. § 841, and is therefore forfeitable to the United States of America pursuant to 21 U.S.C. § 881(a)(6). Furthermore, there are sufficient facts to support a reasonable belief that the 2007 Cheep Grand Cherokee was used, or intended to be used, to transport or facilitate the transportation, sale, receipt, possession or concealment of controlled substances in violation of 21 U.S.C. § 841, and is therefore forfeitable to the United States of America pursuant to 21 U.S.C. § 881(a) (4).

a. The Baltimore County Police Department ("BCPD") conducted an investigation that identified Kelly VINES Jr. ("VINES") as a major heroin dealer in the Baltimore Metropolitan Area. VINES is known to operate a 2007 Maroon Jeep Grand Cherokee with Maryland tag 00729M4.

b. During the course of this investigation, detectives were able to orchestrate the purchase of heroin directly from VINES on four different occasions. Utilizing a Confidential Informant ("CI"), members of the BCPD contacted VINES via cell phone on four different occasions and made arrangements to meet him at a designated location. On each occasion VINES was observed arriving to the designated location driving a 2007 Jeep Grand Cherokee, Maryland registration 00729M4. On each occasion VINES proceeded to make contact with the

CI and exchange a quantity of capsules containing Heroin for a quantity of U.S. currency. These transactions occurred during the month of December 2011 and early part of January 2012

c. The Jeep Grand Cherokee is registered to Elizabeth BENTON ("BENTON") who is VINES' mother. BENTON resides at 4703 Chatford Avenue, 21206. A check through the Maryland Vehicle Administration ("MVA") shows that that VINES also resides at this address.

d. As a result of the investigation members of the BCPD obtained a search warrant for VINES and the 2007 Jeep Grand Cherokee, Maryland registration 00729M4 .

e. On January 12, 2012 members of the BCPD observed VINES and the 2007 Jeep Grand Cherokee in the parking lot of Eastpoint Mall, 7801 Eastern Avenue Baltimore County, Maryland. VINES was the sole occupant of the vehicle. VINES was detained and then transported along with the 2007 Jeep Grand Cherokee to the police precinct, where the search warrant was executed on the 2007 Jeep Grand Cherokee.

f. Recovered from the 2007 Jeep Grand Cherokee were 195 gel capsules of heroin and a cellular phone. Recovered from VINES' person were two additional cell phones and a prescription for Oxycodone in the name of Charles SIMMON. VINES was charged with a Felony Controlled Dangerous Substance violation.

g. A check through Maryland State Wage and Records, which are maintained through the daily course of business, revealed that VINES has no record of reported legitimate income in the State of Maryland. BENTON earned \$32,889.00 in reported legitimate income for the year 2010, and \$23,737 for the first three quarters of 2011.

h. Investigators interviewed BENTON. BENTON told investigators that the Jeep belongs to her but VINES has been driving it for the past several months.

i. Since the initiation of this case in November of 2011, VINES has been operating the 2007 Jeep Grand Cherokee, MD tag 00729M4

j. A query was made through MVA, shows that BENTON also has a 2010 Lexus Convertible, MD tag 4FVZ61, listed in her name which has an approximate value of \$39,365. To date, BENTON owes \$138,879 on her mortgage for 4703 Chatford Avenue. Thus, BENTON's expenses exceed her reported income.

k. According to documents submitted to MVA for title and registration, the 2007 Jeep Grand Cherokee was purchased by BENTON on May 7, 2007, from Thompson Chrysler Dodge for \$30,536.49. The listed lien holder was National Auto Finance Co. The Lien amount was listed as \$40,680.00.

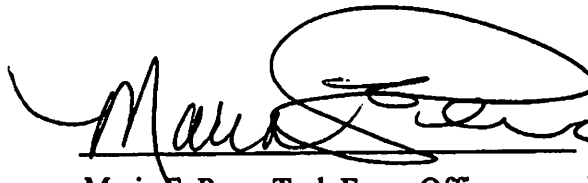
l. On June 30, 2007, less than a month after the 2007 Jeep Grand Cherokee was purchased, the lien was released. An application for Duplicate Certificate of Title submitted to MVA on June 24, 2008 by BENTON shows that the 2007 Jeep Grand Cherokee no longer had an existing lien. This indicates that in less than a month after the 2007 Jeep Grand Cherokee was purchased, the lien was paid off.

m. A criminal history check for VINES revealed one prior arrest in April 1998 in Baltimore, Maryland. On this occasion VINES was charged with felony drug violations. VINES had in his possession 119 capsules containing Heroin. VINES was found guilty and sentenced to five years.

n. Based on all the aforementioned facts and circumstances as well as the fact that it is common practice for drug dealers to buy vehicles under a third party nominee in order to protect their assets and to elude detection from law enforcement, there is cause to believe that the

2007 Jeep Grand Cherokee was derived from VINES drug trade as well as used to facilitate the storage and transportation of controlled substances.

I DECLARE UNDER PENALTY OF PERJURY PURSUANT TO TITLE 28 U.S.C. 1746 THAT THE FACTS SUBMITTED BY BALTIMORE COUNTY POLICE DEPARTMENT, IN REFERENCE TO THE SEIZURE OF ONE 2007 JEEP GRAND CHEROKEE , VIN 1J8GR48KX7C660016 ARE ACCURATE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF.

A handwritten signature in black ink, appearing to read 'Maria E. Pena', is written over a horizontal line. The signature is stylized with a large loop at the end.

Maria E. Pena, Task Force Officer
Drug Enforcement Administration

July 18, 2012

TO: Kristine Cupp, Forfeiture & Seizure Specialist
U.S. Marshals Service

FROM: Naquita C. Ervin
Paralegal Specialist

RE: **U.S. v. One 2007 Jeep Grand Cherokee, VIN 1J8GR48KX7C660016**
Civil Action No.
CATS ID 12-DEA-561301 - GD-12-0164

The United States has filed a forfeiture action against **One 2007 Jeep Grand Cherokee, VIN 1J8GR48KX7C660016**. A copy of the Complaint for Forfeiture is attached.

Notice of this seizure will be published at www.forfeiture.gov pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

Thank you.

Attachment

U.S. Department of Justice
United States Marshals ServicePROCESS RECEIPT AND
RETURN

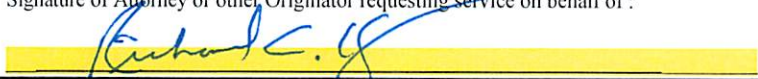
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|---|--|
| PLAINTIFF UNITED STATES OF AMERICA | COURT CASE NUMBER |
| DEFENDANT One 2007 Jeep Grand Cherokee, VIN 1J8GR48KX7C660016 | TYPE OF PROCESS Verified Complaint in Rem |

| | |
|---------------------|---|
| SERVE AT | NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN GD-12-0164 / 12-DEA-561301 |
| | |
| | ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code) |

| | | |
|--|---|--|
| SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW: | Number of process to be served with this Form - 285 | |
| Naquita C. Ervin, FSA Paralegal Specialist U.S. Attorney's Office 36 S. Charles Street, 4th floor Baltimore, Maryland 21201 | Number of parties to be served in this case | |
| | Check for service on U.S.A. | |

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service)

Arrest property. Fill in the date of arrest in this process receipt and return our copy.

| | | |
|--|---|------------------------|
| Signature of Attorney or other Originator requesting service on behalf of:  | TELEPHONE NUMBER 410-209-4800 | DATE 7/18/12 |
|--|---|------------------------|

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

| | | | | | |
|---|----------------------------|---------------------------------|--------------------------------|---|---------------|
| I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted) | Total Process No. _____ | District of Origin No. _____ | District to Serve No. _____ | Signature of Authorized USMS Deputy or Clerk _____ | Date _____ |
|---|----------------------------|---------------------------------|--------------------------------|---|---------------|

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

| | | | | | | |
|---|---|----------------|---------------|------------------|------------------------------|------------------|
| Name and title of individual served (If not shown above). | <input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode. | | | | | |
| Address (complete only if different than shown above) | Date of Service | | | | | |
| | Time am pm | | | | | |
| Signature of U.S. Marshal or Deputy | | | | | | |
| Service Fee | Total Mileage Charges (including endeavors) | Forwarding Fee | Total Charges | Advance Deposits | Amount Owed to US Marshal or | Amount or Refund |

REMARKS: